

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION**

In Re:

Case No. 17-91363

Michael S. Jennings

Chapter 13

Debtors.

Judge Andrea K. McCord

**AGREED ENTRY ON MOTION FOR RELIEF FROM AUTOMATIC STAY FILED BY
U.S. BANK NATIONAL ASSOCIATION NOT IN ITS INDIVIDUAL CAPACITY BUT
SOLELY AS TRUSTEE FOR RMTP TRUST, SERIES 2021 BKM-TT AS TO
PROPERTY LOCATED AT 5349 EAST COUNTY ROAD 300 NORTH, GREENFIELD,
IN 46140 (Doc. 91)**

This matter having come before the Court upon the Motion for Relief from Stay (Doc. 91) filed herein by the secured creditor, U.S. Bank National Association, not in its individual capacity but solely as trustee for RMTP Trust, Series 2021 BKM-TT (“Movant”) and it appearing to the Court that parties have agreed to a course of action which will permit the continuation of the automatic stay conditioned upon certain provisions incorporated herein for the protection of Movant:

1. The Chapter 13 plan filed herein on behalf of the Debtor provided that said Debtor was to make regular monthly payments to Movant outside of the Plan on a regular monthly fashion regarding the property located at 5349 East County Road 300 North, Greenfield, IN 46140.
2. In breach of the terms of said Plan, the debtors failed to make certain of the regular monthly payments to Movant; said payments are currently in default for the months of March 1, 2021 through July 1, 2021 in the amount of \$696.29 each, the month of August 1, 2021 in the amount of \$685.07 as well as fees in the amount of \$450.00 and filing costs of \$188.00 for a total of \$4,626.63 which includes a suspense balance of \$177.89.
3. In order to eliminate said post-petition delinquency, the Debtor and Movant agree to that the Chapter 13 Plan will be modified so that the Trustee will make all ongoing monthly payments beginning with the September 2021 payment in addition to post-petition arrearage of \$4,626.63.
4. Movant shall file a Supplemental Proof of Claim in the amount of \$4,626.63 within 30 days of the entry of the Agreed Entry.
5. Debtor shall file a Motion to Modify Plan within 30 days of the entry of the Agreed Entry.

6. In the event that said Debtor should fail to modify the plan within 30 days of entry of this Agreed Entry or fail to make any two (2) future plan payments by the date in which it is due, then, Movant shall give ten (10) days' notice to Debtor's counsel and to the Debtor; and thereafter Movant shall file with the Court an affidavit certifying that the Debtor is in default under the terms of the Agreed Entry and upon submission of such affidavit, the Court shall schedule a hearing on the matter. In the event the instant bankruptcy proceeding is dismissed or discharged, this Agreed Entry shall be terminated and no further force or effect.

/s/ Molly Slutsky Simons

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